

REMARKS/ARGUMENTS

In the Office Action of September 28, 2006, claims 1, 4-6, 8, 9, 12-20 and 22-28 are pending and stand rejected. Reconsideration and allowance of the subject application, as amended, are respectfully requested.

Amendments to the Claims

Claims 1 and 18 have been amended to emphasize that the claims are directed to a coating in the form of a viscous gel coating. Support can be found throughout the specification, e.g. at paragraphs [0047], [0049] and [0055] of the published application, which literally discloses that the anti-traction material may be formed as a viscous gel coating. No new matter has been entered.

Rejections Under 35 U.S.C. § 102/103

Claims 1, 4-6, 8, 9, 12-20 and 22-28 stand rejected under 35 U.S.C. § 103 as being obvious over Harlukowicz, et al., U.S. Patent Number 6,642,351 in view of Yagi, et al., U.S. Patent Number 5,258,424.

As an initial matter, the Examiner kindly pointed out that the claims as previously presented recited a coating composition only in the preamble, and as such, the Examiner was unable to accord such limitation any patentable weight. The Examiner did indicate that the principal reference of Harlukowicz did not disclose a coating composition.

As can be seen herein, the Applicants have amended the independent claims to emphasize that the claims are directed to a coating in the form of a viscous gel coating. Applicants fully appreciate the analysis offered by the Examiner on this point.

Elaborating on the above, it is noted that Harlukowicz is, as the Examiner recognized, directed at polyacrylamide which is combined in an airborne stream along with a stream of flowing water. Identified as critical to Harlukowicz is the ability to form an aqueous composition that is “so well dispersed” that the “aqueous composition passes through a 50 mesh screen.” Col. 7, lines 52-59. Harlukowicz also teaches the importance of *avoiding* the formation of “fisheyes” or “globules.” Col. 1, line 67 to col. 2, line 7. As the Examiner may appreciate, a globule is generally understood to be a spherical viscous mass which may contain incompletely dissolved polymer, which also corresponds to a gel.

The Examiner also pointed out that Harlukowicz teaches that the aqueous polyacrylamide composition could be added to suspended solids, such as biological solids, mineral slurries, oily water and cellulosic slurry. Applicants note that Harlukowicz appears to do so for the sole purpose of flocculating suspended solids. See, col. 8, lines 55-58, which recites “[t]he aqueous compositions of the instant invention may be employed to flocculate suspended solids by adding the aqueous composition to the suspended solids in an amount effective to flocculate the solids.” Accordingly, this is believed to underscore that Harlukowicz did not teach or ever suggest that his aqueous solutions would be suitable to form an anti-traction coating comprising a viscous gel coating.

In addition, the viscous gel coating as recited herein may have various attributes, such as adhering to various surfaces and providing a coating that may impede or prevent foot or vehicular traffic and which also may render tools, weapons and hand-operated devices difficult or impossible to handle. See, paragraphs [0046] – [0061] of the published application. The formation of such a viscous gel coating, and the various attributes which then may be provided, is believed to be clearly absent from Harlukowicz.

Applicants next note that the Examiner recognized that the dependent claims, even prior to the amendments herein, differed by reciting the application of the claimed composition to a target surface. However, the Examiner pointed to Yagi et al.

As noted above, critical review of Harlukowicz reveals that it is directed to a polyacrylamide aqueous composition, that *avoids* globules, and which is useful for flocculating solids. It is respectfully submitted that one of skill in the art would not be inclined to turn to the secondary reference of Yagi et al for the purpose of utilizing Harlukowicz for *any* coating application. Furthermore, even if one did turn to Yagi et al, it is useful to point out that Yagi et al is directed at a film coating composition to control moisture permeability and water resistance. It is therefore not believed that Harlukowicz, in combination with Yagi et al, disclosed or suggested the feature of combining the recited polymers with water wherein the water hydrates and swells said polymer particles and forms an anti-traction material in the form of a viscous gel coating.

It is therefore submitted that in view of the amendments herein, and in consideration of the principal reference of Harlukowicz, and the secondary reference of Yagi et al, the claims herein now define patentable subject matter under 35 USC § 102 and/or § 103.

Double Patenting

Applicants also note the provisional nonstatutory obviousness-type double patenting rejection in view of claims 1-8 of U.S. Appl. No. 10/684,427. The Examiner has noted that the Applicants are prepared to file a terminal disclaimer to overcome this rejection.

Having overcome all outstanding rejections it is respectfully submitted that the application is now in condition for allowance. Early and favorable review is respectfully solicited.

In the event that there are any fee deficiencies, or additional fees are payable, please charge, or credit any overpayment to, our Deposit Account No. 50-2121.

Respectfully submitted,

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